

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil Case No. 20-90 (WMW/KMM)**

David Laurence Hodges,

Plaintiff,

vs.

**DECLARATION OF
DAVID LAURENCE HODGES**

State of Minnesota Department of Corrections; Ashlee E. Berts; Derek L. Gunderson; Stacy R. Olson; Jeffrey T. Titus; Cathy Nielsen; James M. Olson, RN; Nanette M. Larson; Centurion of Minnesota, L.L.C., Darryl Quiram, MD, John Doe 1-5 (whose true names are unknown); Jane Roe 1-5 (whose true names are unknown);

Defendants.

Your Declarant, David Laurence Hodges, deposes and states:

1. I am the Plaintiff in the above-captioned case. I submit this Declaration in support of my motion for a preliminary injunction to compel Defendants to provide proper medical evaluation of my eye injury by an ophthalmologist.
2. On November 3, 2018, while I was incarcerated at Minnesota Correctional Facility - Rush City, I was attacked by two other inmates. One of them threw a lot liquid containing chemicals at my face. Both the inmates punched me many times in my head, face and body. I lost consciousness during the incident.
3. After the incident, I was taken to the emergency room at Fairview Lakes Medical

Center in Wyoming, Minnesota. My diagnosed injuries included a nasal fracture and second degree burns on my chest, face and inside my eyes. My eyes were greatly irritated to the point that it was difficult for the doctor to perform an examination. I reported that my vision was very blurred with floaters. In response to my eye injuries, the doctor who examined me referred me to an ophthalmologist for further examination.

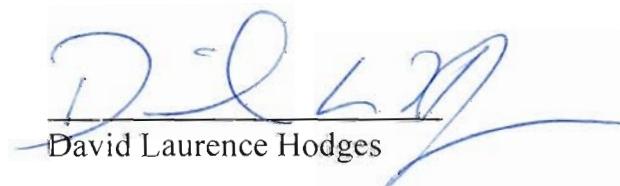
4. The hospital medical staff handed me a referral slip with an appointment for the Fairview eye clinic that Monday. (The hospital visit was on a Saturday evening). DOC staff took all of the paperwork that I received from the hospital including the referral slip, and never returned it to me.
5. I was not taken to an ophthalmologist that Monday, and have never been examined by an ophthalmologist since the incident. I have been incarcerated by DOC continuously since November 3, 2018, so only DOC has the ability to arrange for my medical appointments.
6. I continued to have blurred vision and floaters in my left eye to an extent that I often can see virtually nothing through my left eye. This condition has been continuous since November 3, 2018. It has not improved but has been getting worse.
7. I have repeatedly complained about my eye problems and loss of vision to nurses and doctors examining me through DOC health services, beginning immediately after the incident and continuing into this year. I have also requested repeatedly

both verbally and in writing to be examined by an ophthalmologist or eye specialist. Medical staff has been unresponsive to my requests.

8. The only response to my injuries has been several appointments with an optometrist in late 2018 and early 2019. The optometrist did not have any specific explanations for my injury. She prescribed a couple of medications over time, which had mixed results in alleviating the irritation to my eyes. However, my blurred vision and floaters never improved.
9. The optometrist agreed during our visits that I should be examined by an ophthalmologist. However, she indicated it was not her decision and stated that her employer was not willing to pay the cost.
10. When I continued to complain to health services staff about my loss of vision, the response was to schedule another appointment with the optometrist. After April 2019, health services staff indicated there were appointments scheduled with the optometrist but the appointments were cancelled or did not occur. I was last seen by a different optometrist in early 2020 but he could not offer any explanation or solution for my vision loss.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on this 1st day
of June, 2020.



David Laurence Hodges